

### **REMARKS**

The Applicants and Applicants' attorney wish to thank the Examiner and the Examiner's Supervisor for the personal interview on July 10, 2008. During the interview, filing of an RCE with an amendment containing new or newly clarified limitations for each independent claim was discussed, wherein the limitations relate to a sensor assembly adapted to ascertain the course weight reading of a user based on deflection of a treadbase. The Examiner indicated that such limitations may overcome the rejections based on the prior art of record.

Furthermore, the Applicants and Applicants' attorney wish to thank the Examiner for the time spent reviewing the application and preparing the Office Action. In the Office Action, claims 1-9, 11-16, 18, 28-34 and 36-40 were rejected. By this paper, claims 1, 6, 7, 11, 28, 32, 33, 34, 38 and 39 have been amended and claim 36 canceled. Claims 10, 17, 19-27, 35 and 41 were canceled previously. Applicants submit that claim amendments do not add new matter and entry thereof is respectfully requested. As a result, claims 1-9, 11-16, 18, 28-34 and 37-40 are pending and should be in condition for allowance. Reconsideration of the above-identified claims is now respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

In the final Office Action, claims 1-9, 11-16, 18, 28-34 and 36-40 were rejected under 35 U.S.C. § 103(a) as being obvious in light of *Wang* (U.S. Patent Publication No. 2004/0147372) and *Reyes* (U.S. Patent No. 7,070,542). Claims 1, 7, 11, 28, 32-34 and 38-39 are the independent claims at issue. Applicants submit that *Wang* and *Reyes* fail to teach or suggest the limitations recited with respect to the rejected claims.

*Wang* discloses an adjustable cushioning apparatus for a treadmill. *See* Title. *Wang* further teaches that a "primary object of the present invention [is] to ... provide an adjustable cushioning apparatus for a treadmill that employs hydraulic or pneumatic cylinders as cushioning source." ¶ [0006]. *Reyes* discloses an "exercise machine including a weight measurement system which provides a signal representative of a user's weight. An embodiment of the weight measurement system includes at least one load cell outputting a signal used by a microprocessor to determine an accurate value of the users weight." *See* Abstract. A strain gauge is an example of a load cell. Col. 5, ll. 10-13.

*Reyes* discloses two main embodiments, a footpad detection embodiment and a deck detection embodiment. In the footpad detection embodiment, a pair of non-slip substantially oval platforms or footpads mechanically connect to a pair of load cells so that when a user applies weight to the oval platforms by standing on the same, the load cells receive the weight. In a deck detection embodiment, a plurality of feet supporting the exercise machine mechanically connect to a pair of load cells so that when a user applies weight to the exercise machine by standing on, for example, an endless belt or a portion of the frame, the load cells receive the weight. Col. 3, ll. 4-13.

*Wang* and *Reyes* fail to obviate the limitations recited with respect to independent claims 1, 7, 11, 28, 32-34 and 38-39. For example, *Wang* and *Reyes* do not teach or suggest a cushioned treadmill, as defined in claim 1, comprising a deflection sensor assembly adapted to ascertain the coarse weight reading of the user based on deflection of the treadbase, as recited in claim 1. Rather, the weight measurement system of *Reyes* ascertains the weight of a user by load cells receiving the weight, whether in the footpad detection embodiment or the deck detection embodiment. *See* Col. 3, ll. 4-18.

Similarly, *Wang* and *Reyes* fail to teach or suggest a cushioned treadmill, as defined in claim 7, comprising a deflection sensor assembly ascertains a coarse weight reading of the user when the user is standing on the treadbase by monitoring the amount of deflection of the deck of the treadbase, as recited in claim 7. Likewise, *Wang* and *Reyes* fail to teach or suggest a cushioned treadmill, as defined in claim 11, comprising a self-adjusting cushioning assembly configured to ascertain a coarse weight reading of a user when a user is positioned on the deck based on deflection of the deck with respect to the frame, as recited in claim 11.

*Wang* and *Reyes* fail to teach or suggest a cushioning treadmill, as defined in claim 28, comprising a sensing assembly configured to ascertain a course weight reading of a user positioned on the deck based on movement of the deck relative to the frame, as recited in claim 28. Similarly, *Wang* and *Reyes* fail to teach or suggest a self-adjusting, cushioned treadmill, as defined in claim 32, comprising a sensor adapted so as to sense deflection of the deck, the sensor configured to ascertain a coarse weight reading of a user positioned on the deck based on deflection of the deck relative to the frame, as set forth in claim 32.

Regarding claim 33, *Wang* and *Reyes* do not teach or suggest a cushioned treadmill comprising a sensing assembly coupled to at least the deck and configured to sense deflection of the deck relative to the treadbase frame, the sensing assembly configured to ascertain a coarse weight reading of a user when the user first steps on the deck, as recited in claim 33. While *Wang* discloses a displacement sensor 53, it does not disclose a sensor coupled to at least the deck, as required by claim 33, but rather a displacement sensor 53 coupled to base portion 20. *See* ¶ [0015]. This deficiency is not remedied by the teachings of *Reyes*. *Reyes* discloses, in the footpad detection embodiment, the load cells used to measure weight being coupled to the footpads, which footpads are in turn coupled to the frame of the treadmill and not the deck. *See*

Col. 7, l. 57 – Col. 8, l. 12 and Figures 6A and 6B. *Reyes* also discloses, in the deck detection embodiment, the load cells are mechanically connected to the feet of the treadmill to receive the weight. Col. 3, ll. 8-13. As such, *Wang* and *Reyes* fail to teach or suggest a sensing assembly coupled to at least the deck and configured to sense deflection of the deck relative to the treadbase frame.

Lastly, *Wang* and *Reyes* fail to teach or suggest a self-adjusting, cushioned treadmill, as defined respectively in claims 34, 38 and 39, comprising a sensor adapted so as to sense deflection of the deck, the sensor configured to ascertain a coarse weight reading of a user positioned on the deck based on deflection of the deck relative to the frame, as recited respectively in claim 34, 38 and 39.

Claims 2-6 depend from claim 1, claims 8-9 depend from claim 7, claims 12-16 and 18 depend from claim 11, claims 29-31 depend from claim 28, and claim 37 and 40 depend from claim 34, and thus incorporate all the limitations recited respectively therein. As such, Applicants request reconsideration and removal of the rejection to pending claims 1-9, 11-16, 18, 28-34 and 37-40.

## **Conclusion**

Claims 1, 6, 7, 11, 28, 32, 33, 34, 38 and 39 have been amended and claim 36 has been canceled by this paper. As a result, claims 1-9, 11-16, 18, 28-34 and 37-40 are pending and should be in condition for allowance. Reconsideration and allowance of the above-identified claims are now respectfully requested.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 7<sup>th</sup> day of August 2008.

Respectfully submitted,

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